

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

GAIL, JOHN D. AND
JOHN F. CORVELLO, et al.

vs.

NEW ENGLAND GAS COMPANY,
INC.

C.A. No. 05-0221T
(Related Case No. 05-274T)

**PLAINTIFFS' MOTION TO AMEND THEIR COMPLAINT
AGAINST NEW ENGLAND GAS COMPANY, INC.**

The Plaintiffs hereby move to amend their First Amended Complaint against New England Gas Company, Inc. Eight additional plaintiffs, who are suffering similar harms to the existing plaintiffs, come forward and name New England Gas Company, Inc. as the entity responsible for those harms. Due to the similarity between the harms suffered by these additional plaintiffs and their status as Tiverton residents, they seek to be added as parties to this litigation. The amendment consists only of these additional plaintiffs and does not change the substance of the allegation in the complaint.

ARGUMENT

Plaintiffs respectfully request leave to amend the complaint. Under the Federal Rules of Civil Procedure, such amendments are to be “freely given.” See F.R. Civ. P. 15(a). In interpreting Rule 15(a), the United States Supreme Court has consistently applied this liberal pleading standard: “If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits.” Foman v. Davis, 371 U.S. 178, 182 (1962). This amendment meets that liberal standard. The “underlying facts or circumstances” in

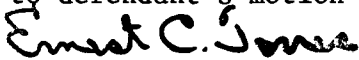
this case remain the same. This amendment simply adds to this cause of action similarly situated homeowners or residents who have suffered the same or similar harm to the list of plaintiffs already involved in this case. Therefore, the plaintiffs respectfully request that this Court grant this motion to amend their complaint.

Dated: August 12, 2005

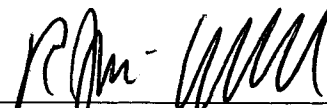
Respectfully submitted,

PLAINTIFFS,
By and through their attorneys,

GRANTED on the condition that the plaintiffs being added will be subject to any ruling the Court may make with regard to defendant's motion to dismiss.



Ernest C. Torres, Chief Judge
8/31/05


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CERTIFICATION

I hereby certify that a copy of the foregoing memorandum was mailed, first-class and postage pre-paid, to all counsel of record per the attached service list on this 12th day of August, 2005.

